

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LUTHER WHITMORE, et al.

Plaintiffs,

V.

PENSKE TRUCK
LEASING CO., L.P. et al.,

Defendants.

CASE NO.: 4:11-CV-1170 RWS

PROOF OF SERVICE

On April 15, 2012, I, an attorney, on oath state that I served this notice and true and correct copies of the following:

**PLAINTIFFS LUTHER WHITMORE' SR.,
PORTIA WHITMORE'S AND KW'S STATEMENT OF DISPUTED FACTS
IN OPPOSITION TO DEFENDANT PENSKE TRUCK LEASING, L.P.'S
MOTION FOR SUMMARY JUDGMENT**

upon:

Joseph R. Swift
Kurt A. Schmid
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1010 Market St., 20th Floor
St. Louis, Missouri 63101

By electronically filing using CM/ECF, which will notify counsel noted above.

/s/E. Lynette Denton

One of Plaintiffs' Attorneys

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**PLAINTIFFS LUTHER WHITMORE' SR.,
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LUTHER WHITMORE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO.: 4:11-CV-1170 RWS
)	
AMERICAN DREAM LOGISTICS, INC.,)	
<i>et al.</i>)	
)	
Defendants.)	

**PLAINTIFFS LUTHER WHITMORE' SR.,
PORTIA WHITMORE'S AND KW'S STATEMENT OF DISPUTED FACTS
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NOW COME, Plaintiffs LUTHER WHITMORE, SR., PORTIA WHITMORE, and KW¹ (hereinafter, collectively "Plaintiffs") and by and through their undersigned attorneys, state as follows for their Statement of Disputed Facts in Opposition to Defendant PENSKE TRUCK LEASING, L.P.'S ("Penske") Motion for Summary Judgment:

1. This Defendant rented a truck to Defendant American Dream Logistics, Inc. on December 2, 2010. (See affidavit of Kresten Hansen attached hereto as Defendant's Exhibit A and rental Agreement numbered 25597101) attached hereto as Defendant's Exhibit B.)

¹ "KW" refers to a minor Plaintiff who pursuant to Rule 05 – 02.17 of this Court's Local Rules will remain unidentified. A Key filed under seal August 10, 2011 identifies the minor by name.

RESPONSE: Additional material facts render this statement disputed. Defendant entrusted its tractor to Gabriel Forsyte who the facts do presently and are expected to continue to disclose was incompetent to safely drive the tractor.

/s/E. Lynette Denton
One of Plaintiffs' Attorneys

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